

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS, INC.	)	
PINNACLE HIP IMPLANT PRODUCT	)	MDL No. 2244
LIABILITY LITIGATION	)	
_____	)	
	)	
<i>This Document Relates To:</i>	)	Honorable Ed Kinkeade
	)	
ALL CASES	)	
_____	)	

**PLAINTIFFS' EXECUTIVE COMMITTEE'S STATUS REPORT**

MAY IT PLEASE THE COURT:

Your Honor has and continues to capably preside over this MDL, has considered hundreds of motions, conducted countless conferences, and issued numerous Case Management Orders. The most recent CMOs, No. 12 (Dkt. 1054) and No. 13 (Dkt. 1150), address working up individual cases and creates a protocol for mediations with Special Master James Stanton. That protocol is ongoing and a Status Report regarding same was recently filed (Dkt. 1209). When this matter was initially assigned to this Court the Judicial Panel on Multidistrict Litigation ("JPML") remarked regarding Your Honor "...we are confident that he will steer this litigation on a prudent course." The JPML was and continues to be correct.

Since the inception of this litigation, the Court-appointed Plaintiffs' Executive Committee ("PEC") has regularly communicated with and responded to a plethora of inquiries from over 1,300 lawyers involved with the over 10,000 cases once pending in

this MDL. In fact, during each of the 5 bellwether trials, the PEC reported daily on the key activity taking place and provided detailed descriptions regarding each witness.
















On a nearly daily basis, the PEC continues to respond to various inquiries from plaintiff lawyers involved in this MDL, which includes providing guidance regarding CMO No. 12 and CMO No. 13, as well as guidance regarding earlier CMOs, including CMO No. 5 (Dkt. 151- Plaintiff Fact Sheets), CMO No. 9 (Dkt. 257- Explant Preservation Order) and CMO No. 10 (Dkt. 847- Plaintiff Profile Forms).

Likewise, on a regular basis, the PEC provides lawyers requesting same, access to a File Transfer Protocol ("FTP") trial package site the PEC created. When a request for access is made, the PEC confirms that the requesting lawyer has: 1) at least one Pinnacle case pending in MDL 2244, and 2) signed the Stipulated Protective Order of Confidentiality (Dkt. 131). Upon confirmation of both, International Litigation Services ("ILS") provides credentials for accessing the FTP to the requesting lawyer.

With the materials the PEC has compiled and made available via the FTP site, an exemplary trial package has been created. Eighteen individual bellwether cases were taken to trial from four different states. These trials provide comprehensive guidance for the remaining cases. The PEC's FTP site contains: (1) all of the exhibits that were introduced in each of the five trials, (2) all of the trial transcripts from the five trials, (3) all motions in limine, (4) jury questionnaires, jury charges and verdict forms, (5) access to over 300 depositions (transcripts, videos, and exhibits), (6) dispositive motions along with the PEC's responses, (7) generic expert reports, (8) Instructions for Use ("IFU"s) and (9)

appellate court briefing. The PEC has and will continue making itself available to respond to questions.

The guidance the PEC has provided with the FTP site is as much, if not more, than any this experienced PEC has seen in any MDL. Furthermore, the FTP is very well organized and contains the following:

<input type="checkbox"/>	☆		Aoki Record & Transcript on Appeal	136 MB	6/17/21
<input type="checkbox"/>	☆		Briefing MFSJ MTD	427 MB	1/22/20
<input type="checkbox"/>	☆		Briefing Rule 50 JMOL Motions	6 MB	3/26/21
<input type="checkbox"/>	☆		Daubert Briefing	90 MB	1/22/20
<input type="checkbox"/>	☆		Exhibits	232 GB	1/29/20
<input type="checkbox"/>	☆		Expert Disclosures	976 MB	2/11/20
<input type="checkbox"/>	☆		Instructions for Use (IFU)	778 MB	6/29/21
<input type="checkbox"/>	☆		Jury Charge	15 MB	1/22/20
<input type="checkbox"/>	☆		Metzler Record (17-10017)	6 GB	6/17/21
<input type="checkbox"/>	☆		MILs	69 MB	1/22/20
<input type="checkbox"/>	☆		Orders - MTD MFSJ	2 MB	1/30/20
<input type="checkbox"/>	☆		Pleadings	42 MB	1/22/20
<input type="checkbox"/>	☆		Trial Transcripts	165 MB	1/30/20
<input type="checkbox"/>	☆		Video Deposition Transcripts	14 GB	1/22/20
<input type="checkbox"/>	☆		Video Depositions	951 GB	1/22/20

For example, the Exhibit folder has subfolders identifying in which trial each exhibit was used:

Exhibits ... More Options			
<input type="checkbox"/>	Name ▲	Size	Uploaded
<input type="checkbox"/> ☆	2014 Paoli Trial	3 GB	1/30/20
<input type="checkbox"/> ☆	2016 Andrews Trial	32 GB	1/30/20
<input type="checkbox"/> ☆	2016 Aoki Trial	27 GB	2/5/20
<input type="checkbox"/> ☆	2017 Alicea Trial	81 GB	2/6/20
<input type="checkbox"/> ☆	2019 Aoki 2.0 Trial	88 GB	2/11/20

And within each trial subfolder, the exhibits are identified by both exhibit number and by the witness with whom the exhibit was used:

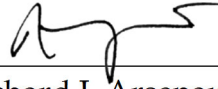
Aoki Exhibits ... More Options			
<input type="checkbox"/>	Name ▲	Size	Uploaded
<input type="checkbox"/> ☆	Admitted Exhibits by Exhibit Number	9 GB	2/5/20
<input type="checkbox"/> ☆	Admitted Exhibits by Witness	17 GB	2/5/20
<input type="checkbox"/> ☆	Exhibit Lists	3 MB	2/5/20

Additionally, since the inception of the MDL, and over many years of intense MDL discovery, the PEC has maintained a document repository and paid for commercial vendor services associated with same. The repository contains more than 12 terabytes of electronic documents and data. The PEC has, upon request, made this repository available to plaintiff counsel.

In conclusion, the PEC has and will continue to comply with its Court-appointed, MDL-related obligations and continues to regularly assist plaintiff counsel as needed.

Dated: February 23, 2022

Respectfully submitted:



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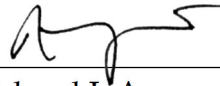
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**CERTIFICATE OF SERVICE**

I certify that the foregoing instrument was filed via the Court's ECF system, and served on all parties by operation of the Court's ECF system, on February 23, 2022.



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Richard J. Arsenault